

Aboriginal Areas: This term is used today to describe the historic and prehistoric lands where a tribe(s) carried out food gathering or seasonal activities or traded with other Indian peoples. These areas may be extensive depending on the geographic terrain.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Aboriginal Rights: Aboriginal rights are based on aboriginal title, original title, or Indian title, which is the possessory right to occupy and use the area of land that Indians have traditionally used. Congress could extinguish such rights or titles at will through treaty or otherwise. Individual aboriginal rights were based on continuous actual possession by occupancy, enclosure, or other actions establishing a right to the land to the exclusion of adverse claimants. For national forest managed lands such possession must have predated the establishment of the National Forest.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Agency: Means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5)
(*Executive Order 13175*)

Allotted Lands-On Reservation: The Dawes Act, or General Allotment Act (1887), provided for dividing reservations into separate parcels to encourage individual Indians in agricultural pursuits. Parcels were 160 acres for each family or 80 acres per single person. Any remaining acres over the population allocation were deemed "surplus" and opened up for settlement by non-Indians. Under the act, Indian-held lands declined from 138 million acres in 1887 to 48 million acres in 1934. In 1934, the Dawes Act was superseded by the Indian Reorganization Act.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Allotted Lands-Off Reservation: These public domain lands were set aside to fulfill a need to maintain recognition of a specific group of Indian people. These are sometimes called "Public Domain Allotments." Nearly all these acres are held in trust by the Bureau of Indian Affairs (BIA).
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Ceded Lands: This term was first used in the Treaty with the Wyandot, 1789. Since that time, many treaties have referred to land cessions made by tribes to the United States. Most Federal agencies and Indian tribes prefer to use the term "ceded lands" when describing areas where a tribe did... "ceded, relinquish, and convey to the U.S. all their right, title, and interest in the lands and country occupied by them"...at treaty signing or when reservations were established. Ceded land references are qualified by the legal definition or original tribal occupancy issued in 1978 by the U.S. Supreme court of Claims. In effect: "only lands actually owned by a tribe can be ceded to the U.S." This term is used interchangeably with "treaty boundary" described elsewhere in the definitions.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Confederated Tribe: A body of separate and different tribes who operate under one form of tribal government upon a reservation or Indian trust land.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Consultation: Is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian governing bodies, community groups and individuals and (2) considering their interests as a necessary and integral part of the Forest Service's decision making process.

(Forest Service manual 2365 – American Indian Consultation)

Consultation: A collaborative process between United States government agents and Native American Tribal representatives in a consensus on how to proceed.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (endnote "i")

Consultation and Coordination with Indian Tribal Governments: This is the title of Executive Order 13084, signed by the President on May 14, 1998, that requires federal agencies to respect tribal self-government and sovereignty, tribal rights, and tribal responsibilities whenever they formulate policies that affect Indian tribal governments in a unique and significant way.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Consultation: Includes, but is not limited to: prior to taking any action with potential impact upon American Indian and Alaska native nations, providing for mutually agreed protocols for timely communication, coordination, cooperation, and collaboration to determine the impact on traditional and cultural life-ways, natural resources, treaty and other federally reserved rights involving appropriate tribal officials and representatives throughout the decision-making process, including final decision-making and action implementation as allowed by law, consistent with a government to government relationship.

(U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy)

Council: A group elected or appointed as an advisory or legislative body; council members are usually equal in power and authority.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Culture: The ideas, customs, skills, arts, etc., of a given people in a given period.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Cultural Resources: Products of human activity or objects or places given significance by human action or belief; include places of historic significance, archaeological sites and resources, graves and funerary objects; also includes "traditional cultural properties" (see below).

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Cultural Resources: Include, but are not limited to: archaeological materials (artifacts) and sites dating to the prehistoric, historic, and ethnohistoric periods that are located on the ground surface or are buried beneath it; natural resources, sacred objects, and sacred sites, that have importance for American Indian and Alaska native peoples; resources that the American Indian and Alaska native nations regard as supportive to their cultural and traditional life-ways.

(U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy)

Dawes Allotment Act: Also known as the General Allotment Act of 1887, this act required that communally held reservation lands be allotted to individual for ownership; reservation lands not so allotted were generally opened up by the federal government for settlement by non-Indians, often leading to troublesome 'checkerboard' jurisdictional issues.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Domestic Dependent Nation: Term use by Chief Justice John Marshall in 1831 to characterize the legal status of the Indian nations.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Environmental Justice: The fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulation and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Environmental Protection Agency (EPA): EPA is a federal agency whose mission is "to protect human health and to safeguard the natural environment - air, water, and land - upon which life depends. The Administrator of EPA reports directly to the President of the United States.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

EPA Indian Programs: This program involves significant intra-Agency and multimedia activities designed to ensure protection of human health and the tribal environment, in a manner consistent with EPA's trust responsibility to federally recognized tribes, the government-to-government relationship, and the conservation of cultural uses of natural resources. The underlying philosophy of this program is that tribal governments are the appropriate authorities to set goals for environment and human health protection activities in Indian country.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

EPA Policy on Environmental Programs on Indian Reservations: In 1984, EPA was the first federal agency outside the Department of the Interior to adopt a formal policy statement regarding Indian Tribes. This policy includes nine principles that guide EPA's relationship with Indians tribes and implementation of its programs on Indian reservations.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Ethnocentrism: The belief that one's own ethnic group and culture are superior to all others.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Ethnography: Structured and systematic, fieldwork-based study and description of specific cultures.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Federal Recognition: Acknowledgment of an Indian tribe as a government entity that has a special relationship with the U.S. Government. This relationship recognizes that Indian tribes receive some benefits or reserve some rights not available to other citizens: for example, health and education benefits from the trust relationship or off-reservation hunting and fishing rights related to treaties with tribal governments.

The basic requirements for attaining Federal recognition include the following in the form of a petition to the Secretary of the Interior:

+A statement of facts regarding the continued identity of a groups as "American Indian" or "Aboriginal" from historic times to the present

+Evidence that a group exists as a community separate from other populations.

+Evidence it has maintained political influence over its members.

+A governing document such as a constitution

+An enrollment list of all members

+Not be involved in pending legislation regarding their status, or terminated by former congressional action.

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Federally Recognized Tribes: Federally Recognized Indian Tribes means an Indian group for which (1) Congress or an executive order created a reservation for the group either by treaty (before 1871), statutorily expressed, agreement by executive order, or to the valid administrative action; and (2) the United States has some continuing political relationship with the group, such as providing surveys through the BIA.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Fiduciary Responsibility: The trust responsibility of the United States, executed through the Secretary of the Interior, to uphold obligations of the federal Government to Native American groups. Court decisions have interpreted this responsibility to extend to all Federal agencies. For BLM, this obligation requires a reasonable and good faith effort to identify and consider, and to carry out programs in a manner sensitive to and consistent with, Native American concerns and tribal government planning and resource management programs.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Government-to-Government Relationship: Relationship that exists between federally recognized tribes and the federal government. Implicit in the relationship is a recognition of tribal sovereignty as individual nations within the U.S. and the U.S. government's obligation to protect tribal lands. The relationship between tribal and state governments should also be characterized as government-to-government.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Government-to-Government Relationship: The formal relationship that exists between agencies of the Federal Government and tribal governments under the laws of the United States. Tribal governments are considered domestic sovereignties with primary and independent jurisdiction (in most cases) over tribal lands. Concerning BLM actions, the same level of consideration and consistency review provided to other agencies or governmental jurisdictions must be afforded to Indian tribes.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Indian Country: As defined by federal law, Indian country includes all land within the limits of any Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-ways running through the reservation. In addition, Indian country also includes all dependent Indian communities as well as all Indian allotments to which Indian titles have not been extinguished.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Indian Country: Broadly speaking, Indian Country is all the land under supervision of the U.S. Government that has been set aside for the use of Indians. This would include Indian reservation as well as other areas under Federal jurisdiction and designated for Indian use. As a general rule, state jurisdiction does not extend to Indian Country and, instead, tribal and Federal law governs.

The term "Indian Country" was first used by Congress in 1790 to describe the territory controlled by Indians. Today, a Federal statute concerning criminal jurisdiction provides the Federal Government's definition of this term. The law, Title 18, U.S. Code, section 1151 (18 U.S.C. 1151), states -

"Indian Country"...means (a) all land within the limits of any Indian reservation under jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Proof that an area is Indian Country often involves complicated historical facts; such proof is an issue of law to be decided by a judge rather than a jury.

Section 1151 above identifies three areas as being "Indian Country:"

- First, Indian Country includes all lands within the boundaries of an Indian reservation, regardless of ownership. Therefore, land located within a reservation but owned by a non-Indian is Indian Country. (There is an exception to this rule, discussed below.) Even rights-of-way through reservation lands, such as state or Federal highways, remain part of Indian Country. When the Federal Government sets aside land under Federal Supervision for Indians, the land becomes Indian Country. This is true even if there is no proclamation that a reservation is being created, even if years go by before the tribe defends its property interests, and even if the land is not Federally owned trust land.

-Second, Indian Country includes "all dependent Indian communities" within the United States. A dependent Indian community is any area of land which has been set aside by the Federal Government for the use, occupancy or benefit of Indians, even if it is not part of a reservation. The Pueblos of New Mexico, whose lands are owned by the tribes themselves but under Federal Supervision, are an excellent example. Other examples include tribal housing projects located on Federal land and Federal schools operated for Indian children on Federal land. However, predominant Indian use by itself will not create a dependent Indian community. There must also be some evidence for Federal to tribal control or supervision and an indication that the Federal Government intended to set the area apart primarily for Indian use.

-Finally, Section 1151 includes as Indian Country all "trust" and all "restricted" allotments of land, whether or not these allotments are inside an Indian reservation. (A trust allotment is Federal land which has been set aside for the exclusive use of an Indian, which is called the "allottee." A restricted allotment is land for which Federal approval must be obtained before it can be sold, leased, or mortgaged, whether the land is owned by the Federal Government or not. Even a "nontrust" allotment outside the reservation is considered Indian Country for as long as the allottee retains ownership. (A nontrust allotment is land the Federal Government has given to an Indian with full rights of ownership, as opposed to a trust allotment, ownership of which is retained by the United States). If the Federal Government has eliminated a tribe's reservation, but trust land still exists, either tribally or individually held, this trust land is Indian country.

To summarize, all land within an Indian reservation, even land owned by non-Indians is Indian Country. Privately owned land that can be classified as a "non-Indian community" is not Indian Country for purposes...

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Indian Lands: Lands held in trust by the United States for individual Indians or tribes, or land titled to individual Indians or tribes subject to Federal restrictions against alienation or encumbrance.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Indian Nation: Means any American Indian or Alaska Native Tribe, Band, Nation, Pueblo, or other organize group or community, including any Alaska Native village [as defined or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)], which is acknowledged by the Federal government to constitute a tribe with a government to government relationship with the United States and eligible for the programs, services and other relationships established by the United States for indigenous peoples because of their status as American Indians and Alaska Native tribes, bands, Nations, Pueblos or communities.

(U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy)

Indian Sacred Sites: This is the title of Executive Order number 13007 signed on May 24, 1996 by the President that directs federal agencies that manage federal lands to accommodate access to and ceremonial use of Indian sacred sites and avoid adversely affecting the physical integrity of such sacred ties.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Indian Territory: These are un-surveyed lands that were recognized by the Federal government to be occupied or used by Indians. Prior to the U.S. Constitution, lands occupied r used by American Indians were referred to as "Indian Territory." Historic documents dating back to the 16th century refer to these un-surveyed regions as a "territory."

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Jurisdiction: The legal authority a government has to govern its people and territory.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Nation: A stable, historically developed community of people who share territory, economic life, distinctive culture, and language.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Native Americans: This term broadly describes the people considered indigenous to North America who lived here prior to European colonization. The term includes "American Indians," "Indians," "Alaska Natives," "Eskimos," "Aluets," and "Native Hawai'ians."

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Native American: A member of any of the indigenous cultural groups of the western hemisphere, including American Indians, Alaska Natives, Native Hawaiians, and other indigenous peoples.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Native Hawi'ians: These are people that can be described as Native American because they are indigenous to their areas. Native Hawai'ians, however, have a different relationship with the U.S. Government. As a group, they are not recognized as a legal, political entity or "government." Nevertheless, Native Hawai'ians are described as a discrete group in the Native American Programs Act of 1974 (NAPA).

(Guide on Consultation and Collaboration with Indian Tribal Governments)(see endnote "i")

Non-Intercourse Act: An act passed in 1790 that prohibited the sale of Indian-owned land without the approval of the United States Congress.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Non-Recognized Tribe: Tribe with whom the federal government does not maintain a

government-to-government relationship, and to which the federal government does not recognize a trust responsibility towards, resulting in a lack of provision of federal services based on their status as an Indian tribe or recognition of its land base or sovereignty.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Nontrust Allotment: This is land the Federal Government deeded, in fee simple title, to an individual Indian whereon there is no trust obligation by the Secretary of the Interior (see trust allotments).

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Plenary Doctrine: Doctrine stating that the federal government has unlimited and exclusive authority and jurisdiction over Indian tribes. Because of this, states generally lack government authority over Indian tribes and tribal members within Indian country, unless Congress has expressly delegated authority to states.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Protectorate: Relationship between two sovereigns in which the weaker state places itself under the protection of the more powerful state.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Public Domain Land: This term describes any land ceded to the Federal Government from the colonial states, and land acquired by the Federal Government by purchase from or treaty with the Indians or foreign powers.

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Relocation: Federal policy formulated in 1952. Indians were relocated from rural and reservation areas to urban areas for job training and employment.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Removal Act: Act passed by Congress in 1830 authorizing the president to negotiate with eastern tribes for their removal to lands west of the Mississippi River.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Reservation: Lands reserved by a tribe during treaty negotiations with the federal government for tribal use. Indian reservations are held in trust for the tribe by the federal government.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Reservation (Indian): Usually created by treaty document or an executive order, this term refers to lands set aside for occupants' use, and benefit of American Indians and for other purposes. The primary intent of the United States at treaty negotiations was to make way for Euro-American settlement and maintain (or secure) peace between Indian people and European settlers. This land, described in metes and bounds, was put into a "trust" status with the U.S. agency (later Department of the Interior, Bureau of Indian Affairs) having the responsibility to administer reservation lands for the use and benefit of Indian people, consistent with the intent to the treaty. Some reservations were established after a peacekeeping treaty.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Reservation: Lands acquired in ownership by Indian tribal governments through aboriginal possession, treaty, act of Congress, Executive action (including action by the Secretary of the Interior pursuant to certain statutes), and/ or by action of a colony, State, or foreign nation.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Reserved-Rights Doctrine: Doctrine enunciated by the courts that tribes retain all rights to their land, water, and resources unless they have expressly granted them to the federal government. (Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Reserved Rights: Those rights not specifically ceded in a treaty or agreement are considered to be reserved consistent with the purposes of the United States and the Indians entering into a transaction or formal relationship. Rights may include hunting, fishing, and gathering privileges, or water and other resource use guarantees.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Sacred Site: Means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian or Alaska Native tribe, or Indian or Alaska Native individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the Federal agency of the existence of such a site.

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Self-Determination: Decision-making control over one's own affairs and the policies that affect one's life. This is also the name of the federal government's policy toward Indian nations, beginning in 1978.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Self-Governance: First stated in modern terms by former President Nixon in 1970 as "Self Determination," this refers to the ability of Indian tribal governments to make decisions that affect either the general tribal population or tribal assets – a modern U.S. Indian policy that reinstates the independent decision making process of Indian tribal entities that had existed before European contact. In 1982, Congress passed new authorities whereby Indian tribes could sign a compact directly with the Secretary of the Interior without involving the Bureau of Indian Affairs in the delivery of Federal services. Using appropriations formerly sent through the Bureau of Indian Affairs, Indians can now prioritize their own expenditures of Federal funds.

(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Sovereign: Supreme in power or authority.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Sovereignty: The status, dominion, rule, or power of a sovereign. Tribes have the power to make and enforce laws for their tribe and reservation, and to establish courts and other forums for the resolution of disputes.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Sovereignty: First addressed in the U.S. Constitution (Article I, Section 8 and Article VI). For Indian tribes that have Federal recognition, this is the inherently governmental power from which all specific political powers are derived. Indian governmental powers, with some exceptions, are not powers granted by Congress, but are inherent powers of a limited sovereignty that have never been extinguished. Congress has the authority to limit or abolish inherent right to self-government

and no state may impose its laws on a reservation.

The Supreme Court first recognized the inherent right of tribal sovereignty in an 1832 case, *Worcester v. Georgia*. *Worcester* decided the question of whether the State of Georgia could impose its laws on the Cherokee Indian Reservation, a reservation located within the state's borders. In holding that Georgia could not extend its laws within the reservation, the Court stated: "Indian Nations (are) distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States...Indian nations had always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil from the immemorial...The Cherokee Nation, then, is a distinct community, occupying its own territory, with boundaries accurately described in which the laws of Georgia and the citizens of Georgia, have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the Acts of Congress."

The *Worcester* doctrine of inherent tribal sovereignty has undergone some changes over the years, but its basic premise remains the same. An Indian tribe is a distance political government. Congress has the authority to limit or even abolish tribal powers. Absent congressional action, a tribe retains its inherent right to self-government, and no state may impose its laws on the reservation. The Court reaffirmed this principle in 1991: "Indian tribes are domestic dependent nations," which exercise inherent sovereign authority over their members and territories. Moreover, in recent years Congress has made a determined effort to strengthen tribal self-government. As the Supreme Court remarked in 1983, Congress appears "firmly committed to the goal of promoting tribal self-government, a goal embodied in numerous Federal statutes." (Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Supplemental Environmental Projects (SEPS): SEP's are projects that are included in the settlement of a lawsuit involving a violation of an environmental statute administered by EPA. When such lawsuits are settled, a party may agree to pay for SEP's that include environmental restoration or enhancement.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Terminated Tribes: Tribes whose government-to-government and trust relationship with the federal government has been terminated. Most of the more than one hundred terminations occurred between 1954 and 1961.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Termination: Federal Indian policy formally adopted by the U.S. Congress in 1954 that sought to end the federal government's relationship with Indian tribes as prescribed under House Concurrent Resolution 108. President Richard Nixon formally ended this policy in 1971.

(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Tradition: Longstanding, socially conveyed, customary patterns of thought, cultural expression, and behavior, such as religious beliefs and practices, social customs, and land or resource used. Traditions are shared generally within a social and or cultural group and span generations.

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Traditional: The beliefs, acts, practices, objects or sites for the perpetuation of an Indian culture originating from or historically located at a specific area. This may include cultural practices that

are so interrelated with spiritual activities that they cannot be separated from the land location.
(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Traditional: conforming to tradition.

(*Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1*)

Traditional Cultural Properties (TCP's): Beliefs or practices of a people tied to land or water, in conjunction with religious beliefs and/ or practices.

(*Guide on Consultation and Collaboration with Indian Tribal Governments*) (see endnote "i")

Treaty: Formal, legally binding contact between two sovereign nations; an agreement between two or more nations, relating to peace, alliance, trade, etc.

(*Guide on Consultation and Collaboration with Indian Tribal Governments*) (see endnote "i")

Treaty: A legally binding agreement between two or more sovereign governments. With respect to American Indian tribes, a treaty is a document negotiated and concluded by a representative of the President of the United States and ratified by two-thirds majority vote in the U.S. Senate.

(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Treaty: A formal agreement between the United States and one or more Native American groups. Typically, these agreements ceded lands to the United States, reserving certain rights, privileges, and/ or lands to the Native American signatories.

(*Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1*)

Tribe: Means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a

(*Executive Order 13175, Section 1, b*)

Tribe: A group of individuals bound together by ancestry, kinship, languages, culture, and political authority.

(*Guide on Consultation and Collaboration with Indian Tribal Governments*) (see endnote "i")

Tribe: Any American Indian or Alaska native tribe, band, Nation, pueblo, community, rancheria, colony, or group subject to the jurisdiction of the United States, and recognized as possessing the powers of self government and meeting the provisions in 25 CFR 83.7 or those recognized in statutes or treaties with the United States.

(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Tribal Government: A written system of rules or a constitution adopted by a tribal governing body that governs the actions and conduct of the general membership of the tribe(s). It may include such activities as law and order ordinances, tribal membership criteria, or regulations to govern the use of Indian-owned natural resources in Indian Country; usually within the bounds of an Indian reservation.

(*Forest Service National Resource Guide to American Indian and Alaska Native Relations*)

Tribal Government: The formal representative governing body of a reservation or Indian community (as defined in 25 CFR 61 and published annually in the Federal Register).

(Bureau of Land Management's General Procedural Guidance for Native American Consultation H8160-1)

Tribal Government (American Indian & Alaska Native): Means the recognized government of an Indian nation and any affiliated or component band government of such nation that has been determined eligible for specific services by Congress or officially recognized in 25 CFR part 83, "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," as printed in the Federal Register.
(U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy)

Tribal Officials: Means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.
(Executive Order 13175)

Trust: Property the title to which is legally held by one entity for the benefit of another.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Trust Allotment: Federal land set aside for the exclusive use of an Indian, who is the allottee. The Federal Government retains land ownership. Many allotments are outside the bounds of Indian reservations and are called public domain allotments.
(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Trust Doctrine: This is rooted in the treaties between Indian tribes and the U.S. government where Indian land was ceded to the government, under treaties, in exchange for protection of remaining tribal land and rights. Under this doctrine, the U.S. government holds title to Indian land in trust for the beneficial use of Indian tribes and their members. This includes other protection, including protection of the Indians' sovereign rights.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Trust Land: Any land in collective tribal holding or individual ownership for which the Secretary of the Interior has a continuing trust responsibility to manage in a manner to benefit the respective tribe or individual. The most common example is forested acres on a reservation. Some trust lands were set aside as compensation for claims made against the Government, most of which are off-reservation.
(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Trust Responsibility: This term has never been defined by the U.S. Congress, any President, or any Cabinet official. Generally, it is a set of principles and concepts outlining the responsibilities of the U.S. Government to act as the trustee of Indian people and Indian-owned assets. The U.S. Government, through the President, has certain responsibilities to protect Indian property and rights, Indian lands, and resources. The trust responsibility may involve a fiduciary obligation in which the President, through the Secretary of the Interior, acts as the trustee of the Indian assets. Fulfilling or redeeming a trust responsibility, can best be reflected or demonstrated as a matter of action; a stream that was protected, a site that was maintained intact, a property right that has been left unaffected by the Federal action. The writing of an environmental document is not an example of fulfillment of a trust responsibility.
(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Trust Responsibility: The same as "fiduciary responsibility" for purposes of this manual section.
(Bureau of Land Management's General Procedural Guidance for Native American Consultation

H8160-1)

Trust Responsibility: Includes, but is not limited to: promotion and protection of tribal treaty rights, federally recognized reserved rights, and other federally recognized interests of the beneficiary American Indian and Alaska Native nations; determining, documenting, notifying, and interacting with tribal governments with regard to the impact of Departmental program, policies, and regulations to protect American Indian and Alaska Native traditional and cultural life-ways, natural resources, treaty and other federally recognized and reserved rights.
(U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy)

Trustee: Person to whom another's property, or the management of that property, is entrusted.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Trusteeship: Term referring to the federal government's legal obligation to protect tribal land, resources, and existence.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Unfunded Mandates Act: This act expressly authorized federal employees to talk to state employees and tribal employees without violating the Federal Advisory Committee Act.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

Usufructuary: having the legal right to using and enjoying the fruits or profits of something belonging to another. A land-use right where title to the land belongs to another person. A hunting right on National Forest System land is an example of the usufructuary right.
(Forest Service National Resource Guide to American Indian and Alaska Native Relations)

Wardship: Refers to the federal government's responsibility as trustee over Indians as carried out primarily by the Bureau of Indian Affairs.
(Guide on Consultation and Collaboration with Indian Tribal Governments) (see endnote "i")

<http://www.codetalk.fed.us/Glossary.htm>

Definitions transcribed from the source "Guide on Consultation and Collaboration with Indian Tribal Governments" are from an 'advisory council' to the Environmental Protection Agency and were established as being non-legally

